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From Gov. Searles
(No 20.)

SEVENTEENTH LEGISLATURE.

of Maine

No. 14.

HOUSE.

R E P O R T

PRESENTED BY

MR. HOLMES, OF ALFRED,

IN THE

HOUSE OF REPRESENTATIVES,

FEBRUARY 2, 1837.

ON THE

NORTH EASTERN BOUNDARY.

THE Joint Committee to whom was referred so much of the Governor's Message as relates to the North Eastern Boundary and the documents and evidence, together with an order of the two Houses instructing the Committee "to enquire into the expediency of providing by law for the appointment of Commissioners on the part of this State, by the consent of the government of the United States, to survey the line between this State and the Province of N. Brunswick according to the treaty of 1783, to establish monuments in such places as shall be fixed by said Commissioners and by Commissioners to be appointed on the part of the government of Great Britain;" have attended to the duties assigned them with the industry and solicitude which the importance of the subject demanded.— Could the Committee have spared the time, and had the means to obtain documents not within the jurisdiction of

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the State, and consequently out of its power, a more clear, methodical and perfect view of the subject would have been presented. But as there had been hitherto so much procrastination, and the impatience of the public, already great, was becoming more and more intense, your Committee without further preamble or apology, ask leave to present the following

REPORT.

The Legislature and people of Maine, we believe, will not contend that the treaty making power of the United States does not extend to a final adjustment of a disputed line of boundary between a State and a foreign nation; although we are fully aware that such a power might deprive a State of its proper domain—yet inasmuch as the President owes his elevation in part to the federative principle, and the States are equally represented in the Senate, and two thirds of the members present are necessary to the ratification of a treaty, each frontier State might be pretty safe from any attempt at dismemberment.

The framers of the Constitution foresaw that the time might come when the States frontier to foreign territory might be in a minority, and that consequently their unity of interest and safety might not avail them, and it was wisely determined that *one more than a third* might effectually defeat any attempt to dismember a State by treaty. And this precaution it seems was necessary, since it already occurs that *nine only* of the twenty-six States are frontier to foreign territory. *But we do insist* that no power is granted by the Constitution of the United States to *limit or change the boundary of a State or cede a part of its territory without its consent*. It is even by no means certain how far *such consent* would enable the treaty authority to exert its

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more clear, would have to so much, already your Com- k leave to

powers. *Citizens* might be made the subjects of a treaty transfer, and these citizens, owing allegiance to the State and to the Union, and allegiance and protection being reciprocally binding, the right to transfer a citizen to a foreign government—to *sell* him, might well be questioned, as being inconsistent with the spirit of our free institutions. But be this as it may, Maine will never concede the principle that the President and two thirds of the Senate can transfer its territory, much less its citizens without its permission given by its constitutional organs.

believe, will the United a disputed n nation ; ver might uch as the ative prin- ne Senate, cessary to might be

Your Committee, however, deem it but fair to admit that they have discovered no inclination in the General Government or any department of it to assume this power. On the contrary, the President has repeatedly declined the adoption of a conventional line deviating from the treaty of 1783—upon the express ground, that it could not be done without the consent of Maine.

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It is due nevertheless to the State of Maine to say that the Committee have no evidence that any conventional line has been proposed to them for their consent. It indeed appears that the consent of Maine had not been given to the adoption of any other boundary than that prescribed by the treaty of 1783, up to the 29th February 1836, and we are well assured that no proposition for a different boundary has since that time been made to any department of the government of this State.

The President of the United States on the 15th June last communicated to the Senate in compliance with their resolution a copy of the correspondence relative to the N. E. Boundary. This correspondence embraced a period from the 21st July 1832, to the 5th March 1836.

The opinion and advice of the King of the Netherlands

to whom the controversy was referred, by the provisions of the Treaty of Ghent was made on the 10th January, 1831, and of the three questions submitted *viz: The northeastern boundary—the northwesternmost head of Connecticut River and the 45th parallel of latitude*, he seems to have determined *but one*. He did decide that the source of the stream running into and through Connecticut Lake is the true N. W. head of that river, as intended by the Treaty of 1783—and as to the rest, he *advises* that it will be *convenient (il convindra)* to adopt the “Thalweg” the deepest channel of the St. Johns and St. Francis from the north line; and that the 45th degree is to be measured in order to mark out the boundary to the St. Lawrence, with a deviation so as to include Rouse’s Point within the United States. As to *the convenience* of establishing the St. Johns and St. Francis as the northern boundary of Maine, we have only to observe that however “convenient” it may be to Great Britain to obtain so large a portion of our territory and waters, it would certainly be very *inconvenient* to us, and inasmuch as we are probably capable of judging of our own “convenience” and have never solicited *the advice* of any one on this point, it is scarcely to be expected that we shall be *advised* to adopt a line, so preposterous and injurious.

It was in this view and in strict conformity with the constitution conferring the Treaty Power, that the President on the 7th, December, 1831, submitted to the Senate this “award” and “advice” of the King of the Netherlands—Senators were divided on a principal point—some insisting that to carry the award or opinion into effect was only *in execution* of the treaty and it therefore belonged exclusively to the President “to take care” that this “supreme law” was faithfully executed or to reject it altogether.

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But the prevailing opinion was, that this "award" or "advice" was *perfecting an unfinished treaty*, and that therefore it could not be effected by the President without "the advice and consent of the Senate, two thirds of the members present concurring therein." So far from the concurrence of two thirds *for* the measure, there were *thirty four to eight against* it, and it was consequently rejected and a recommendation to the President was adopted to open a new negotiation to determine the line of boundary according to the Treaty of 1783.

It is insisted by the British ministers and almost conceded by ours, that a due north line from the monument at the source of the St. Croix, will intersect no highlands described in the treaty of 1783. Now this is an assumption, by Great Britain, totally unwarranted by any evidence. The boundaries bearing upon the question are thus given: "From the N. W. angle of Nova Scotia, *to wit*: That angle which is formed by a line drawn due north from the source of the St. Croix River, to the highlands—along the said highlands, which divide *the rivers* that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River."—"East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy, to its source, and from its source directly north to the *aforsaid* highlands, which divide the rivers that fall into the Atlantic Ocean, from those which fall into the St. Lawrence."

The first object, starting place or *terminus aquo*, is this *N. W. Angle of Nova Scotia*. It is the corner of the British Province, *designated by themselves*. It was presumed and it is still believed that they knew the identical spot.

We have a right to demand of them to define it. In the treaty of 1783 they were disposed to define it, and hence they say it is *that angle which is formed by a line drawn due north from the source of the St. Croix, to those highlands which divide the rivers that flow into the St. Lawrence from those which flow into the Atlantic Ocean.*

Nothing can be more clear than that the British negotiators of the treaty of 1783, had reference to their east and west line between Canada and Nova Scotia. This in 1755-6 was matter of controversy between France and England—the French claiming that it was far south, and the British strenuously contending that these very highlands were even more north than we have endeavored to fix them.

The controversy resulted in a war, which after the capture of Quebec was terminated by the peace of 1763, whereby Great Britain obtained both sides of the line and she then established the north line of Nova Scotia about where we contend it should be. So far from admitting that a due north line from the monument will not intersect the highlands intended by the treaty of 1783, the State of Maine has always insisted, and still insists, that no known obstacle exists to the ascertaining and accurately defining them, and thus establishing the *terminus aquo, to wit, the N. W. Angle of Nova Scotia.* It would seem strange indeed that as this line so fully discussed and controverted between the English and French in 1755-6, should have been left unsettled still, when both Provinces became British. It is impossible to imagine such ignorance of so important a point as this N. W. Angle, so often referred to and spoken of as a notorious monument.

The peace of 1783 was considered by Great Britain as *a grant by metes and bounds.* The boundaries were pre-

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scribed ; and this N. W. Angle was the commencement.—Twenty years only before this (1763) Nova Scotia had been organized as a distinct Province—then including what are now Nova Scotia and New Brunswick—and this angle was referred to as a boundary without hesitancy or doubt. Indeed the treaty itself, as if to make assurance doubly sure, fixed it where a due north line from the source of the St. Croix will intersect those highlands which divide the rivers which flow into the *River St. Lawrence* from those which flow into the Atlantic ocean. This source of the St. Croix has been determined and a monument fixed there by the Commissioners under the 5th article of the treaty of 1795 (Jay's).—Now the assumption that the north line from this monument, will intersect or meet no such highlands, is entirely gratuitous.

The treaty does not speak of mountains nor even hills, but of "highlands" that divide rivers flowing different ways. It was well known that rivers did fall into the St. Lawrence and into the Atlantic—that these rivers would run *down* and not *up*, and it was consequently inferred that the *land* from whence these *rivers* flowed, must of necessity be *high*—and unless there are to be found in that region *geological phenomena* which exist no where else on the face of the globe, this inference is irrisistible.

The truth is that these highlands have been known and well understood by the British themselves ever since the grant of James the First to Sir William Alexander in 1621. The portion of the boundary there given which relates to this controversy is "from the western spring head of the St. Croix by an imaginary line, conceived to run through the land northward to the next road of Ship's river or spring, discharging itself into the great river of Canada, and

proceeding thence *eastward* along the shores of the sea of the said river of Canada, to the road, haven or shore, commonly called *gaspeck*”—(*gaspe*.)

The cession of Canada by France made it necessary to define the limits of the Province of Quebec, and accordingly his Britannic Majesty by his Proclamation of 7th Oct. 1763, is thus explicit, as to what affects this question—“passing along the highlands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay de Chaleurs and the coast of the gulph of the St. Lawrence to Cape Rosiers,” &c.

The act of Parliament of the 14, George III, (1774) defines thus the south line of Canada—“south by a line from the Bay de Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which flow into the sea.” The north line of the grant to Alexander is from the source of the St. Croix to the “spring head” or source of some river or stream which falls into the river St. Lawrence, and thence *eastward* to Gaspe Bay which communicates with the gulph of St. Lawrence in lat. 49, 30, and would make nearly an east and west line. The Proclamation of 1763 defines the *south* line of the Province of Quebec as passing along the highlands which divide the rivers that fall into the St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay de Chaleurs, to the gulph of St. Lawrence. This is the *south* boundary and consequently in an *east* and *west* direction, but it passes *north* of Bay de Chaleurs, wherefore the south boundary of the Province must of necessity be north of Bay de Chaleurs. The eastern boundary is northerly by the gulph to Cape Ro-

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siers, in about lat. 50, long. 64, north of Gaspé Bay, and at the mouth of the river St. Lawrence where it communicates with the gulph or sea. And the act of Parliament makes *this south side* from this same bay, along those highlands, and it must *inevitably run west* or it is *no south* boundary. Now no one can doubt that in the Proclamation of 1763 it was the intent to adopt Sir William Alexander's *northern* for this *southern* boundary of the Province of Quebec.

Indeed it appears in every commission to the Governor of Nova Scotia and New Brunswick from 1763 to 1784 and after the Treaty of Peace of 1783, that the Province of Nova Scotia extended to the southern boundary of the Provinces of Quebec. It then irresistibly and inevitably follows that a west line from the Bay de Chaleurs intersecting a due north line from the monument is the identical N. W. angle. Now a line from Mars Hill direct to Cape Rosiers instead of being *easterly* would be north of northeast *crossing* the Bay de Chaleurs. But passing along its north coast as the proclamation provides, the line from this Mars Hill must be more northerly still. Indeed the pretence that a pyramidal spur or peak such as this hill should constitute the range of highlands, mentioned in the treaty, is so utterly visionary that it is entitled to *no sort of respect*.

We may now, by these facts and reflections give this enquiry a right direction, *to wit*—to the ascertainment of the north Boundary of Nova Scotia, which is the southern boundary of Canada. We have always been lured from this by the British negotiators to the *left* or *west* of this north line from the monument.

No one, who is in the least conversant with the subject,

can suppose for a moment that this N. W. Angle can be found in such a direction. The question for us is, are there any highlands north of the Bay de Chaleurs extending in a western direction towards a north line drawn from the monument. If this line westerly from the Bay be not distinctly marked so far as to intersect this north line, the principle is, to extend it in the same direction to the place of intersection; that is, if the line between Nova Scotia and Canada is *west* to within say 30 miles of the north line from the monument, and the rest of the way is indefinite or obscure, extend it on, in the same direction, until you form a point of intersection, and this will be the north west angle of Nova Scotia. But the truth is *the high-lands are there* and have been found in running due north from the monument.

The elevations were taken by the British surveyor from the source of the St. Croix, at the monument to the first waters of the Ristigouche; and at Mar's Hill forty miles—the summit of this isolated sugar-loaf was 1100 feet and at the termination of the survey at the Ristigouche waters, 100 miles further, the elevation was 1600 feet, consequently the summit of Mar's Hill, 1100 feet above the waters of the St. Croix, is 500 feet lower than the lands at the Ristigouche, and yet the pretence is that there are no highlands, but this detached spur, Mar's Hill! Still further, the highest position surveyed, is nearly 50 miles short of the *metis*, which falls into the St. Lawrence and we do not perceive that the elevations have been taken there at all; but we do find, it is here that *the waters separate* and consequently the land must be still higher.

In failure of highlands (*assumed* not to exist) the British negotiators claim a line, which instead of dividing the

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St. Lawrence and Atlantic waters would actually extend between two rivers, *both of which fall into the Atlantic.*

To say nothing of the absurdity, not to say arrogance, of such a claim, it is enough that it is in the teeth of the treaty itself. It is painful to repeat the argument that no other highlands were intended, for all others were expressly excluded, but those which divide the waters that flow in those different directions. The effect of their construction, as we all know, is to give them the whole of the St. John, with all its tributaries and a tract of territory south of that river, equal at least to 75 miles square.

Whether from the peaceful spirit of our government, the christian patience of Maine, or the "modest assurance" of the British negotiators, any or all, certain it is, that his Britanic Majesty's pretensions *are growing every day.* It is not only an after-thought, but one very recently conceived, that we were to be driven south of the St. John.

His Britanic Majesty's Agent (Mr. Chipman) who has been lately urging us south of that river, was also Agent to the Commission under the treaty of 1795, to ascertain the true St. Croix, and in insisting on a more *western* branch of this river, gives as a reason, that a line due north will cross the St. Johns *farther up*, whereas, if you take an *eastern* branch, such line will cross near Frederickton, the seat of government of New Brunswick, and materially infringe upon His Majesty's Province. He not only admits, but contends, that this north line *must* cross the river. Here are his words: "This north line *must* of necessity cross the river St. Johns." Mr. Liston, British minister, in a private letter to Mr. Chipman of 23d October, 1798, recommends a modification of the powers

of the Commissioners, for the reason, that *it might give Great Britain a greater extent of navigation on the St. Johns river*. The same Agent (Mr. Chipman) was also Agent under the fourth article of the treaty of Ghent, and we find him contending there, that the N. W. angle of Nova Scotia is the same designated in the Grant to Sir. Wm. Alexander, in 1621, "subject only to such alterations as were occasioned by the erection of the Province of Quebec, in 1763." Now we have already seen that this south line of the Province of Quebec, so far from *altering* this N. W. angle, in fact confirms it.

In perfect accordance with this disposition to encroach, is a proposition of the British Minister (Mr. Vaughan,) that inasmuch as the highlands cannot be found, by a due north direction from the monument, we should *vary west* until we should intersect them, *but not EAST!* Now that, in case a monument cannot be found in the course prescribed you should look for it, *at the left, but not to the right*, seems to us a very *sinister* proposition. We have shown, and, as we think conclusively, that the range of highlands is to be looked for on British ground and no where else; because it is their own boundary, and a line which must, with an ascertained north line, form the angle of one of their own Provinces. And yet we are not to examine there at all, we have never explored the country there, and are expected to yield to such arrogant, extravagant, and baseless pretensions!

We would ask, why? in what justice, if we cannot find the object in the route prescribed, are we to be thus trammelled? where is the *reciprocity* of such a proposition, so degrading to the dignity, and insulting to the rights and liberties of this State? No—the people of Maine will

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not now and we trust they never will, tamely submit to such a *one sided* measure.

The next restriction or limitation, with which this negotiation is to be clogged, is an admission that the Ristigouche and St. Johns are not Atlantic rivers—because one flows into the Bay de Chaleurs and the other into the Bay of Fundy—yet neither falls into the river St. Lawrence. They would then find those high lands between the St. John's and the Penobscot. There cannot be a more arrogant pretension or palpable absurdity. Suppose the waters of both these rivers are excluded, as flowing *neither way*, still the waters that flow *each way*, are so far separated, as to leave a tract of country which, if equally divided, would carry us far beyond the St. Johns. But we admit no such hypothesis. The *Atlantic* and the *sea* are used in the charters as *synonymous terms*. The Ristigouche uniting with the Bay de Chaleurs, which communicates with the sea, and the St. Johns uniting with the Bay of Fundy, which also communicates with the sea, and that too by a mouth 90 miles wide, are both Atlantic rivers. These rivers were known by the negotiators not to be *St. Lawrence rivers*, they were known to exist, for they were rivers of the first class. If they were neither St. Lawrence nor Atlantic why were they not excepted? They were not of the former, therefore they must be included in the latter description. Indeed if rivers uniting with Atlantic Bays are not Atlantic rivers, the Penobscot and Kennebec, which unite with the respective Bays of Penobscot and Sagadahock would not be Atlantic rivers; and then where are those high-lands which divide the waters referred to in the treaty of 1783? Should we leave this question unsettled a little longer and the British claims continue to in-

crease, we might very soon find these high-lands south of the Connecticut and all the intermediate country would be *recolonized* by "construction." We therefore invoke the sympathy of all New England with New York besides, to unite against this progressive claim—this avalanche which threatens to overwhelm *them as well as ourselves*.

Again, if this Mar's Hill (and we confess we cannot speak of the pretension with any patience) is the *N. W. Angle*, and the north boundary of Nova Scotia and the south boundary of the Province of Quebec are the same and north of the Bay de Chaleurs, then there is indeed *no N. W. angle*; for a line, due north from the monument, passing by Mars Hill, must pursue nearly the same direction to get to the north of that Bay without crossing it; and whoever thought of an angle at the side of a continuous line? Now according to the British maps, taken in this very case, you must run a course of north about 14 degs. east to obtain the north side of the Bay without crossing it, and the distance would be in this almost due north direction more than 100 miles—while that from the monument to Mar's Hill would be little more than 40. Now when we consider that this northerly line must form nearly a right angle, to pass along the north shore of the Bay de Chaleurs, that this is 100 miles farther north than Mar's Hill, where instead of an angle there can be only an inclination of 14 degs., can there be a greater absurdity, than the British claim, founded on these facts?

We will now present some facts and remarks in regard to the surveys and explorings made by the commission under the 5th article of the Treaty of Ghent. And the first fact that occurs is, that the elevations taken by the British surveyor, stop far short of where the waters

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divide, and we find no proof that these elevations were carried through by our own surveyors. If the British surveyor, after ascertaining *he was still ascending* and had in fact arrived at the lands at a *branch of a river* elevated 500 feet even above the summit of Mar's Hill, *found it prudent to stop short*, we see no good reason why the American agent did not *proceed on* and take accurate elevations, at a place where the waters divide. If such a survey was made, the committee have not been able to obtain the evidence—it is not in the maps or documents in the Library or office of the Secretary of State, and the Committee believe that no such elevations have been taken northerly of the first waters of the Ristigouche. It is indeed a little singular that we have so little evidence, not only in regard to this height of land, but also of the rivers which flow into the St. Lawrence *to the left*, and *especially to the right*, of the north line from the monument.

We know some of them, to be sure, such as the *Ouelle Kamouska*, *Verte*, *Trois Pistoles*, *Remouskey*, and *Melis* on the left, and the *Blanche*, *Louis*, *Magdalen*, and others on the right of this line, but we know them chiefly as *on maps*, and as transcribed from older maps—but very little from actual survey or even exploration. An examination of the sources of those rivers at the right of this north line, with the important natural boundary—the north shore of the Bay de Chaleurs, would accurately define the divisional line, between the Province of Quebec and Nova Scotia, which extending west, would intersect the due north line and thus form the N. W. angle of Nova Scotia.

It moreover appears that little or no exploration has been made of the lands *east* of the due north line. It seems strange to us, although it may be satisfactorily ex-

plained, why we should have been drawn away from this very important region. It is indeed the true source of enquiry. In this direction the evidence is to be found; and Maine can never be satisfied until it is looked for here.

An extraordinary method of adjusting this question, though in perfect accordance with other pretensions has been proposed by Great Britain—that the disputed territory should be divided in equal portions, each party being satisfied of the justice of its claims. To this proposition we cannot subscribe. It is equally unjust between nations and individuals. Whether a party in controversy is satisfied or not with the justice of his claims, is what is only known to himself, and consequently the one whose claims are most exorbitant, however unjust, will always get the best end of the bargain. But such a rule would in this case apply most unfortunately to Maine. We are limited, at farthest to the St. Lawrence, and to a very narrow point there—while the British may extend their claims to the south and west indefinitely. Establish this principle, and we shall soon find their claims, already so progressive, stretched over to the Piscataqua, and then, if we are to divide equally, both as to *quantity and quality*, the divisional line then would fall south of the Kennebec. If the want of the consent of Maine is the obstacle to such an adjustment, we trust it will always remain an insuperable one. Indeed, we protest against the application to us, of such a rule, as manifestly unequal and unjust.

We come now to the recent transactions of the British colonial authorities, sanctioned, as it appears, by the government at home—and we regret to perceive in them also, those strong indications of continual and rapid encroachment, which have characterised that government in the

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whole of this controversy. Mr Livingston in his letter of 21st July, 1832, proposes that "until the matter be brought to a final conclusion both parties should refrain from the exercise of "jurisdiction," and Mr Vaughan in reply of 14th April, 1833, in behalf of his government "entirely concurs."—Here then the faith of the two governments is *pledged* to abstain from acts of jurisdiction until all is settled. Now how are the facts? We understand and indeed it appears by documents herewith exhibited, that an act has passed the Legislature of New Brunswick, "incorporating the St. Andrews and Quebec Rail Road Company," that the King has granted £10,000 to aid the enterprise, and that the Legislature of Lower Canada, by its resolutions of both Houses, has approved the scheme and promised its co-operation. It may be, that the government at home was not aware that this Rail Road must inevitably cross the disputed territory.

But this ignorance of the subject seems incredible. A Rail Road from St. Andrews to Quebec would be *impossible*, unless it crossed the territory in question. Even next to impossible and totally useless, were it to pass at the north of the St. Johns. It seems therefore extraordinary indeed that the British Government, even in the incipient stages of this enterprise, should make an appropriation which is in direct violation of its solemn pledge. To give to a Rail Road corporation powers over our rights and property is the strongest act of sovereignty. It is an act of delegated power which we ourselves give to our own citizens with extreme caution, and with guarded restrictions and reservations. This Rail Road *must* not only cross the disputed territory, but it crosses it 50 miles south of the St. Johns and almost to the southerly ex-

tremity of the British claim, extravagant as it is. By the map herewith exhibited, of the survey of the route, it appears that the road crosses our due north line at Mar's Hill, thence doubling round it, toward the south, it crosses the *Roostic* between the great and little *Machias*—the *Alleguash* at the out-let of *first Lake*—a branch of the St. Johns south of *Black River* and passes into Canada between "Spruce Hills" on the right and "Three Hills" on the left, thus crossing a tract of country south of the St. Johns 100 by 50 miles. We have not a copy of the act of incorporation of New Brunswick, and cannot therefore say that the route there defined is the same as on the map. But be this as it may, certain it is, as any one will see, that no possible route can be devised which will not cross the territory in question. It is then a deliberate act of power, palpable and direct, claiming and exercising sovereignty far south even of the line recommended by the King of the Netherlands.

In all our enquiries and examinations of this subject there has been great negligence in regard to this N. W. Angle. Judge Benson one of the Commissioners under Jay's treaty, in a letter to the President of the United States expressly and clearly defines this angle. He states distinctly that the due north line from the source of the St. Croix is *the west side line* and the highlands are *the north side line* which form this angle and this had never been questioned by the British themselves.

This due north line—viz. the west side line, was established by the Commission of which Judge Benson was a member, and the British have made the north side line to be north of the Bay de Chaleurs, and yet with these postulates to pretend that the points of intersection can-

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not be found is one of the greatest of their absurdities. And another absurdity quite equal, is, that after passing west along the north shore of this Bay, they would fall down nearly south more than 100 miles to Mar's Hill about 60 miles from the south shore of the Province at the Bay of Passamaquoddy—which is part of the Bay of Fundy ; and his point too of so little inclination that it is a palpable perversion of language to call it *an angle*, much more a N. W. Angle.

It is indeed time for us to begin to search and in the right places too, in order to put a stop to these perpetual encroachments upon our territory and rights. Our first object should be to ascertain and trace the north boundary of Nova Scotia which is the south boundary of the Province of Quebec, and see if Canada comes as far down as Mar's Hill. And we should proceed to finish taking the elevations on the due north line to some point where the waters divide. The General Government should be immediately called on to execute the work with the co-operation of Massachusetts and Maine. Notice should be given to the British authorities to unite in the undertaking, and if they refuse, our Government ought to proceed *ex parte*. The act would be entirely pacific, as the object would be *to ascertain facts*, much more pacific than the survey, *without notice*, of the St. Andrews and Quebec Rail Road, through our territory, not for the purpose of ascertaining a boundary, but to assume jurisdiction.

Your Committee have gone through this tedious investigation with all the deliberation, exactness and candour, which our time, means and feelings would allow. Our animadversions may, in some instances, have been strong and even severe, but we think we have expressed the sen-

tinents and feelings of the people of Maine suffering under protracted injuries. The State should take a firm, deliberate, and dignified stand, and one which it will not retract. While it awards to the General Government all its legitimate powers, it will not be forgetful of its own. We call upon the President and Congress, we invoke that aid and sympathy of our sister States, which Maine has always accorded to them; we ask, nay we demand, in the name of justice, how long we are to be thus trampled down by a foreign people? and we trust we shall meet a cordial and patriotic response in the heart of every republican of the Union. Your Committee, therefore, submit the following Resolutions.

L. J. HAM,
NATHANIEL S. LITTLEFIELD,
SAM'L P. BENSON,
EBEN'R HIGGINS,
JOHN R. REDMAN,

} of the Senate.

JOHN HOLMES,
J. A. LOWELL,
NATHAN IDE,
DANIEL SMALL,
SEWALL PRESCOTT,
EPHRAIM WEEKS,
JAMES BURBANK,
CHARLES HUNT,
JOHN D. RICHARDS.

} of the House.

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STATE OF MAINE.

RESOLVES relative to the North Eastern Boundary.

1st. *Resolved*, That we view with much solicitude the British usurpations and encroachments on the northeastern part of the territory of this State.

2d. *Resolved*, That pretensions so groundless and extravagant indicate a spirit of hostility, which we had no reason to expect from a nation with whom we are at peace.

3d. *Resolved*, That vigilance, resolution, firmness and union on the part of this State, are necessary in this state of the controversy.

4th. *Resolved*, That the Governor be authorized and requested to call on the President of the United States to cause the North Eastern Boundary of this State to be explored and surveyed and monuments erected according to the *Treaty* of 1783.

5th. *Resolved*, That the co-operation of Massachusetts be requested.

6th. *Resolved*, That our Senators in Congress be *instructed*, and our Representatives *requested*, to endeavor to obtain a *speedy* adjustment of the controversy.

7th. *Resolved*, That copies of this report and resolution, be transmitted to the Governor of Massachusetts, the President of the United States, to each of our Senators and Representatives in Congress, and other Senators in Congress, and the Governors of the several States.

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STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
FEBRUARY 2, 1837.

This Report, on being read, was accepted, and ten thousand copies of the same, with the accompanying Resolves, ordered to be printed for the use of the Legislature.

[Extract from the Journal.]

Attest, CHARLES WATERHOUSE, *Clerk.*

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